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12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 STAR FABRICS, INC., a California  
15 Corporation,

16 Plaintiff,

17 v.

18 MASOI JEANS, INC., a California  
19 Corporation; EVER, a business entity of form  
20 unknown; JANUARY 7 CLOTHINGS, INC.,  
21 a California Corporation; YM, INC.  
22 individually and d/b/a "SIRENS," a Canadian  
23 Corporation; SAJOUS BOUTIQUE, a  
24 business entity of form unknown; FASHION  
25 AREA, a business entity of form unknown;  
26 and DOES 1 through 10,

27 Defendants.

Case No.:

**PLAINTIFF'S COMPLAINT FOR  
COPYRIGHT INFRINGEMENT**

Jury Trial Demanded

28 Star Fabrics, Inc., by and through its undersigned attorneys, hereby prays to  
this honorable Court for relief based on the following:

**JURISDICTION AND VENUE**

1  
2 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101  
3 *et seq.*

4 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and  
5 1338 (a) and (b).

6 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and  
7 1400(a) in that this is the judicial district in which a substantial part of the acts and  
8 omissions giving rise to the claims occurred.

9 **PARTIES**

10 4. Plaintiff STAR FABRICS, INC. is a corporation organized and existing  
11 under the laws of the State of California with its principal place of business located  
12 at 1440 East Walnut Street, Los Angeles, California 90011.

13 5. Plaintiff is informed and believes and thereon alleges that Defendant EVER  
14 (“EVER”) is a business entity of form unknown, with its principal place of business  
15 located at 4300 Meadow Lane #257, Las Vegas, Nevada 89107, and is doing  
16 business in and with the state of California.

17 6. Plaintiff is informed and believes and thereon alleges that Defendant  
18 JANUARY 7 CLOTHINGS, INC. (“JANUARY”) is a corporation organized and  
19 existing under the laws of the state of California, with its principal place of business  
20 located at 735 E. 12th Street, #104 Los Angeles, California 90021, and is doing  
21 business in and with the state of California.

22 7. Plaintiff is informed and believes and thereon alleges that Defendant YM,  
23 INC. individually and doing business as “SIRENS” (“SIRENS”) is a corporation  
24 organized and existing under the laws of Canada, with its principal place of business  
25 located at 50 Dufflaw Road Toronto, Ontario M6A 2W1, Canada, and is doing  
26 business in and with the state of California.

1           8. Plaintiff is informed and believes and thereon alleges that Defendant  
2 MASOI JEANS, INC. (“MASOI”) is a corporation organized and existing under the  
3 laws of California, with its principal place of business located at 1015 Wall Street,  
4 #107 Los Angeles, California 90015, and is doing business in and with the state of  
5 California.

6           9. Plaintiff is informed and believes and thereon alleges that Defendant  
7 SAJOUS BOUTIQUE (“SAJOUS”) is a business entity of form unknown, with its  
8 principal place of business located at 7601 S. Cicero Avenue, Chicago, Illinois  
9 60652, and is doing business in and with the state of California.

10           10. Plaintiff is informed and believes and thereon alleges that Defendant  
11 FASHION AREA (“FASHION”) is a business entity of form unknown, with its  
12 principal place of business located at 2300 E. Cesar E. Chavez Los Angeles,  
13 California 90033, and is doing business in and with the state of California.

14           11. Plaintiff is informed and believes and thereon alleges that Defendants  
15 DOES 1 through 10, inclusive, are other parties not yet identified who have infringed  
16 Plaintiff’s copyrights, have contributed to the infringement of Plaintiff’s copyrights,  
17 or have engaged in one or more of the wrongful practices alleged herein. The true  
18 names, whether corporate, individual or otherwise, of Defendants 1 through 10,  
19 inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants  
20 by such fictitious names, and will seek leave to amend this Complaint to show their  
21 true names and capacities when same have been ascertained.

22           12. Plaintiff is informed and believes and thereon alleges that at all times  
23 relevant hereto each of the Defendants was the agent, affiliate, officer, director,  
24 manager, principal, alter-ego, and/or employee of the remaining Defendants and was  
25 at all times acting within the scope of such agency, affiliation, alter-ego relationship  
26 and/or employment; and actively participated in or subsequently ratified and/or  
27 adopted each of the acts or conduct alleged, with full knowledge of all the facts and  
28

1 circumstances, including, but not limited to, full knowledge of each violation of  
2 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

3 **CLAIMS RELATED TO DESIGN NO. 40197**

4 13. Plaintiff owns an original two-dimensional artwork used for purposes of  
5 textile printing entitled 40197 ("Subject Design A") which has been registered with  
6 the United States Copyright Office.

7 14. Prior to the acts complained of herein, Plaintiff widely disseminated fabric  
8 bearing Subject Design A to numerous parties in the fashion and apparel industries.

9 15. Plaintiff is informed and believes and thereon alleges that following its  
10 distribution of Subject Design A, JANUARY, SIRENS, FASHION, DOE  
11 Defendants, and each of them distributed and/or sold fabric and/or garments  
12 featuring a design which is substantially similar to Subject Design A (hereinafter  
13 "Subject Product A") without Plaintiff's authorization, including but not limited to  
14 garments sold by

15 a. SIREN under SKU 0283-46529792-879200 and bearing the label  
16 "January 7," indicating that it was manufactured by or for  
17 JANUARY.

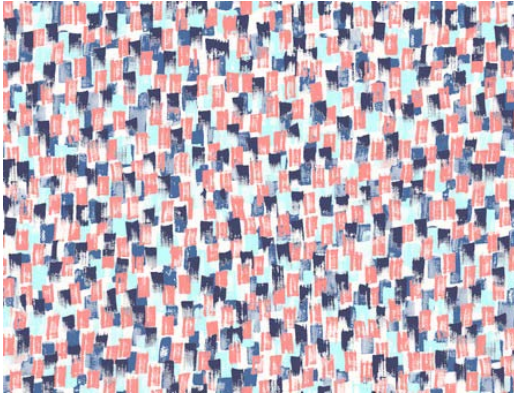
18 b. FASHION under Style No. T9792 and bearing the label "January 7,"  
19 indicating that it was manufactured by or for JANUARY.

20 16. An image of Subject Design A and an exemplar of Subject Product A are  
21 set forth hereinbelow:

22 ///

23 ///

**Subject Design A**



**Subject Product A**



**CLAIMS RELATED TO DESIGN NO. 62205**

17. Plaintiff owns an original two-dimensional artwork used for purposes of textile printing entitled 62205 (“Subject Design B”) which has been registered with the United States Copyright Office.

18. Prior to the acts complained of herein, Plaintiff widely disseminated fabric bearing Subject Design B to numerous parties in the fashion and apparel industries.

19. Plaintiff is informed and believes and thereon alleges that following its distribution of Subject Design B, MASOI, SAJOUS, EVER DOE Defendants, and each of them, manufactured, distributed, and/or sold fabric and/or garments comprised of fabric featuring a design which is identical, or substantially similar, to Subject Design B (hereinafter “Subject Product B”) without Plaintiff’s authorization, including but not limited to garments sold by

a. SAJOUS under Style No. MM856 and bearing the label “MASOI” and RN 138310, indicating that it was manufactured by or for MASOI.

b. EVER under Style No. MM850 and bearing the label “MASOI” and RN 138310, indicating that it was manufactured by or for MASOI.

20. An image of Subject Design B and an exemplar of Subject Product B are set forth hereinbelow:

**Subject Design B**



**Subject Product B**



**FIRST CLAIM FOR RELIEF**

(For Copyright Infringement - Against All Defendants, and Each)

21. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

22. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to Subject Designs A and B (collectively, “Subject Designs”), including, without limitation, through (a) access to Plaintiff’s showroom and/or design library; (b) access to illegally distributed copies of Subject Designs by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff’s strike-offs and samples, and (d) access to garments in the marketplace manufactured with lawfully printed fabric bearing Subject Designs.



1           23. Plaintiff is informed and believes and thereon alleges that one or more of  
2 the Defendants manufactures garments and/or is a garment vendor. Plaintiff is  
3 further informed and believes and thereon alleges that said Defendant(s), and each of  
4 them, has an ongoing business relationship with Defendant retailers, and each of  
5 them, and supplied garments to said retailers, which garments infringed Subject  
6 Designs in that said garments were composed of fabric which featured unauthorized  
7 print designs that were identical or substantially similar to Subject Designs, or were  
8 an illegal modification thereof.

9           24. Plaintiff is informed and believes and thereon alleges that Defendants, and  
10 each of them, infringed Plaintiff's copyright by creating, making and/or developing  
11 directly infringing and/or derivative works from Subject Designs and by producing,  
12 distributing and/or selling Subject Products through a nationwide network of retail  
13 stores, catalogues, and through on-line websites.

14           25. Due to Defendants', and each of their, acts of infringement, Plaintiff has  
15 suffered damages in an amount to be established at trial.

16           26. Due to Defendants', and each of their, acts of copyright infringement as  
17 alleged herein, Defendants, and each of them, have obtained profits they would not  
18 otherwise have realized but for their infringement of Subject Designs. As such,  
19 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits  
20 attributable to the infringement of Subject Designs in an amount to be established at  
21 trial.

22           27. Plaintiff is informed and believes and thereon alleges that Defendants, and  
23 each of them, have committed copyright infringement with actual or constructive  
24 knowledge of Plaintiff's rights such that said acts of copyright infringement were,  
25 and continue to be, willful, intentional and malicious.

**PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for judgment as follows:

- a. That Defendants—each of them—and their respective agents and servants be enjoined from importing, manufacturing, distributing, offering for sale, selling or otherwise trafficking in any product that infringes Plaintiff’s copyrights in Subject Designs;
- b. That Plaintiff be awarded all profits of Defendants, and each of them, plus all losses of Plaintiff, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;
- c. That Plaintiff be awarded its attorneys’ fees as available under the Copyright Act U.S.C. § 101 et seq.;
- d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- e. That Plaintiff be awarded the costs of this action; and
- f. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7<sup>th</sup> Amendment to the United States Constitution.

Dated: January 6, 2015

DONIGER/BURROUGHS

By: /s/ Stephen M. Doniger  
Stephen M. Doniger, Esq.  
Howard S. Han, Esq.  
Attorneys for Plaintiff